

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

Caron Nazario)	
)	
)	
v.)	Civil Action No. 2:21-cv-00169
)	
Joe Gutierrez, et. al.)	
)	
)	
)	
)	

JOINT STIPULATIONS

Comes now the Parties, by counsel, and file these joint stipulations:

I. General Stipulations

1. At all relevant times during the December 5, 2020 traffic stop, Joseph Raymond Gutierrez and Daniel Crocker were acting under color of law.
2. At all times during the December 5, 2020 traffic stop, Mr. Gutierrez and Officer Crocker were sworn officers in the Town of Windsor Police Department.
3. On December 5, 2020, Mr. Gutierrez was a police officer with the Town of Windsor Police Department on patrol duty.
4. On December 5, 2020, Officer Crocker was a police officer with the Town of Windsor Police Department on patrol duty.
5. On December 5, 2020 at approximately 6:34 pm, Caron Nazario was driving a 2020 Chevrolet Tahoe westbound on US 460 in the Town of Windsor.
6. On December 5, 2020, at approximately 6:34 pm, Officer Crocker activated the blue lights of his patrol car to alert Mr. Nazario to stop his vehicle.
7. Mr. Gutierrez joined Officer Crocker in pursuit of Mr. Nazario's vehicle.
8. Mr. Nazario stopped at a BP gas station at 1 E Windsor Boulevard, Windsor Virginia, 23487.
9. The speed limit for this section of US 460 west is 35 miles per hour.
10. The Town of Windsor is located within Isle of Wight County.

11. Body worn camera footage, by default, preserves the video footage, without audio, from thirty seconds before the officer activates the body camera.

II. The Parties stipulate that Following Documents are Admissible

1. Bates CN-3. Joseph Gutierrez's body worn camera footage from the December 5, 2020 traffic stop.

2. Bates CN-4. Daniel Crocker's body worn camera footage from the December 5, 2020 traffic stop.

3. Bates CN-5 Daniel Crocker's body worn camera footage from the December 5, 2020 traffic stop.

III. The Parties stipulate that Following Documents are Authentic Only

3. Bates CN-000354. Text messages exchanged between Joseph Raymond Gutierrez and Daniel Allen Crocker regarding the December 5, 2020 traffic stop.

4. Bates CN-003570. Daniel Crocker's Oath of Office taken for his employment as a police officer with the Town of Windsor Police Department.

5. Bates CN-003625. Joseph Raymond Gutierrez's Oath of Office taken for his employment as a police officer with Town of Windsor Police Department.

6. Bates CN-004864 to CN-004875 . The Governor of Virginia's 7th Executive Directive and Amendments 1-7.

7. Bates CN-004876 – CN-004877 . The Governor of Virginia's 8th Executive Directive.

8. Exhibit 13 (Bates CN-000010 to CN-000015). Daniel Crocker's Incident Report, including Daniel Crocker's Reporting Officer Narrative, from the December 5, 2020 traffic stop.

9. Bates CN-000016 to CN-000017. Joseph Raymond Gutierrez's Incident Report Narrative from the December 5, 2020 traffic stop.

10. Bates CN-000023 to CN-000025. Joseph Raymond Gutierrez' Use of Force Report from the December 5, 2020 traffic stop.

11. Bates CN-000018. Witness Subpoena Request that Daniel Crocker created pursuant to the December 5, 2020 traffic stop.

12. Bates CN-000019 to CN-000021. Isle of Wight County Event Report from the December 5, 2020 traffic stop. Unit 804W refers to Daniel Crocker. Unit 803W refers to Joseph Raymond Gutierrez.

13. Bates CN-000264. A recording of the radio traffic from the December 5, 2020 traffic stop.

14. Bates WPD IA 000001 through WPD IA 000014. Windsor Police Department's Internal Affairs investigation IA 2020-02 regarding the December 5, 2020 traffic stop.

15. Bates CN-003622. Notice of disciplinary action issued to Joseph Raymond Gutierrez by the Town of Windsor Police Department on January 28, 2021.

16. Bates CN-003623 through CN-003624. Written Reprimand issued by the Town of Windsor Police Department to Joseph Raymond Gutierrez pursuant to the internal affairs investigation.

17. Bates CN-003571 to CN-003587. Town of Windsor Police Department Use of Force Remedial Training letter, from Sgt. K.E. Givens, then of the Town of Windsor Police Department, to Rodney Riddle, Chief of the Town of Windsor Police Department.

18. Bates CN-000022. Letter from Rodney Riddle, Chief of the Town of Windsor Police Department, dated December 8, 2020, directing Lieutenant G.P. Jernigan of the Town of Windsor Police Department to conduct a Use of Force review and an Internal Affairs investigation regarding the December 5, 2020 traffic stop.

19. Bates CN-000260 through CN-000261. Joseph Raymond Gutierrez Body Worn Camera Footage from his April 1, 2019 traffic stop leading to Internal Affairs investigation and Sanction.

20. Bates CN-000115 to CN-000119. Isle of Wight Sheriff's Office Incident Report and Reporting Officer Narrative that Joseph Gutierrez drafted regarding his the April 1, 2019 Isle of Wight County Traffic Stop.

21. Bates CN-000253 to CN-000257. Isle of Wight County Sheriff's Office Use of Force Record regarding Joseph Raymond Gutierrez's April 1, 2019 Isle of Wight County traffic stop.

22. Bates CN-000106 to CN-000107. Joseph Raymond Gutierrez's April 20, 2019 narrative regarding his April 1, 2019 Isle of Wight County traffic stop.

23. Bates CN-000262. Audio recording of the Isle of Wight County Sheriff's Office Internal Affairs investigation of Joseph Raymond Gutierrez regarding the April 1, 2019 Isle of Wight County traffic stop.

24. Bates CN-000109 to CN-000113. Isle of Wight County Sheriff's Office Internal Affairs Investigative report dated April 18, 2019.

25. Bates CN-000219 to CN-000221. Isle of Wight County Sheriff's Office Sanctions and Internal Affairs Memo.

26. Bates CN-000131. Isle of Wight County Sheriff's Office Written Reprimand issued to Joseph Raymond Gutierrez.

27. Bates CN-000133. Joseph Raymond Gutierrez's resignation letter to the Isle of Wight County Sheriff.

28. Bates CN-005665 to CN-005677. Isle of Wight County Sheriff's Office Use of Force Policy and Procedure as it existed on April 1, 2019.

29. Bates CN-002987 to CN-003001. Memorandum and exhibits by Rodney Riddle, Chief of the Town of Windsor Police Department, to William Saunders, then Town Manager for the Town of Windsor; Glyn Willis, then Mayor of the Town of Windsor; and the Members of the Town Counsel for the Town of Windsor.

30. Bates CN-003038 to CN-003051. Memorandum from Town of Windsor Police Department Chief Rodney Riddle to William Saunders, then town manager of the Town of Windsor; Glyn Willis, then mayor of the Town of Windsor; and the members of the Town of Windsor Town Counsel.

31. Bates CN-003621. Town of Windsor Police Department's termination letter to Joseph Raymond Gutierrez.

32. Bates CN-000318 to CN-000319. Personnel Memorandum that Rodney Riddle, Chief of the Town of Windsor Police Department, drafted on April 20, 2021 regarding terminating Joseph Raymond Gutierrez.

33. Bates CN-005663. Letter from Daniel Crocker to Rodney Riddle, Chief of the Town of Windsor Police Department.

34. Bates CN-003062 to CN-003064. Body worn camera footage from Windsor Police Department's November 7, 2020 traffic stop.

35. Bates CN-000102 to CN-000103. Isle of Wight County's Event Report from the November 7, 2020 traffic stop.

36. Bates CN-000263. A recording of the radio traffic regarding the November 7, 2020 traffic stop.

37. Bates CN-003080 to CN-003081. Isle of Wight County Event Report from the Town of Windsor Police Department's November 7, 2020 traffic stop.

38. Bates CN-003082 through CN-003083. The Uniform Traffic Summons that the Town of Windsor Police Department issued to Caron Nazario pursuant to the November 7, 2020 traffic stop.

39. Bates CN-004063 to CN-004069. Town of Windsor Use of Force Policy and Procedure in effect on December 5, 2020.

40. Bates CN-004139 to CN-004157. Town of Windsor General Code of Conduct Policy and Procedure in effect on December 5, 2020.

41. Bates CN-004079 to CN-004097. Town of Windsor Traffic Law Enforcement Policy and Procedure in effect on December 5, 2020.

42. Exhibit 50 is The Isle of Wight County Sheriff's Office General Order 1-7 Employee Discipline in effect on December 5, 2020.

43. Bates CN-004542 to CN-004670. Caron Nazario's Military Records.

44. Bates CN-004681 to CN-004759. Army Technical Manual AR-40-501.

45. Exhibit 53 Bates CN-004760 to CN-004838. Army Technical Manual AR-40-502.

46. Bates CN-005221 to CN-00524. Caron Nazario's US Army W-2's from 2016 – 2020.

47. Bates CN-005241 to CN-005256. Caron Nazario's US Army Leave and Earning Statement's from November 5, 2020 to October 27, 2021.

48. Bates CN-005257 to CN-005258. The DFAS.GOV 2021 Military Pay Scale for FY 2021.

49. Bates CN-005259 to CN-005262. The DFAS.MIL 2021 Military Pay Scale for FY 2021.

50. Bates CN-000298 through CN-000299. Joseph Raymond Gutierrez's 7th Session of Auxiliary Basic Police School Report Card and cover letter from J. D. Landfair, Director of Police Training from the Chesapeake Virginia Law Enforcement Training Academy.

November 23, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed with the Court's CM/ECF system, which caused a Notice of Electronic Filing to be emailed to the following:

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This the 23rd day of November, 2022

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